

COHEN, LEDER, MONTALBANO & GROSSMAN, L.L.C.
1700 Galloping Hill Road
Kenilworth, New Jersey, 07033
(908) 298-8800
Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS VICINAGE**

LOCAL UNION NO. 825, affiliated
with the INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO,
and THE BOARDS OF TRUSTEES OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 825 PENSION FUND,
THE IUOE LOCAL 825 WELFARE FUND,
THE IUOE LOCAL 825 APPRENTICESHIP
TRAINING AND RETRAINING FUND,
THE IUOE LOCAL 825 SUPPLEMENTAL
UNEMPLOYMENT BENEFIT FUND, THE IUOE
LOCAL 825 SAVINGS FUND and THE IUOE
LOCAL 825 ANNUITY FUND,

Plaintiffs,

vs.

ULTIMATE LAND DEVELOPERS OF THE
HUDSON VALLEY, INC. and ULTIMATE LAND
DEVELOPERS, INC.,

Defendants.

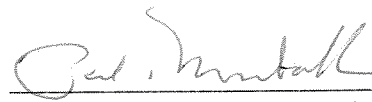
Civil Action No.:cv-01704 (CLB)

**REQUEST FOR ENTRY
OF DEFAULT**

TO: J. Michael McMahon, Clerk of Court

You will please enter the default of the defendant herein for failure to plead or otherwise defend as provided by the Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1 .

Dated: April 15, 2008


PAUL A. MONTALBANO
Attorney for Plaintiff

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**AFFIDAVIT OF
 PAUL A. MONTALBANO**

1. I am Paul A. Montalbano, the attorney for the Plaintiffs in the above entitled action. I am fully familiar with the matters set forth herein. I swear to the statements herein in support of Plaintiff's request for entry of default against the Defendants, Ultimate Land Developers of the Hudson Valley, Inc. and Ultimate Land Developers, Inc.

2. I attest that the party against whom a notation of default is sought is not an infant, in the military, or an incompetent person, that the party has failed to plead or otherwise defend the action, and that the Complaint, to which no response has been made, was properly served.

3. As is indicated by the attached Affidavit of Service, the Summons, Complaint, Rule 7.1 Statement, Civil Cover Sheet, Practices of Judge Briant and Judge Fox, and Guidelines for

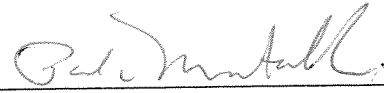
Electronic Case Filing were served upon Jamie Wolf, the General Agent of the Defendants in said action, as appears from the Affidavit of Service. See Exhibits A and B.

3. The time within which the said Defendant may answer or otherwise move as to the Complaint has expired and has not been extended. The said Defendant has not answered or otherwise moved to the Complaint.

4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

COHEN, LEDER, MONTALBANO
& GROSSMAN, L.L.C.
Attorneys for Plaintiffs

Dated: April 17, 2008

By: 

PAUL A. MONTALBANO, ESQ.

*Sworn and Subscribed
before this 17th day
of April 2008.*



CHERYL ORTENSE
A Notary Public Of New Jersey
My Commission Expires June 26, 2008

EXHIBIT A

US DISTRICT COURT

OF THE SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

COUNTY OF

LOCAL UNION NO. 825, AFFILIATED WITH THE INTERNATIONAL UNION OF
OPERATING ENGINEERS, ET AL.ATTORNEY: GUARANTEED SUBPOEN
FF/INDEX #: 08-CV-1704
DATE FILED:
DOCKET #:

Plaintiff(s)/Petitioner(s)

- AGAINST -

ULTIMATE LAND DEVELOPMENT OF THE HUDSON VALLEY, INC. AND
ULTIMATE LAND DEVELOPMENT, INC.

Defendants(s)/Respondent(s)

COURT D/T:
AMOUNT:

STATE OF NEW YORK COUNTY OF ORANGE ss:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER
THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 3/14/08 at 5:55 PM at 104 VAN AMBURGH ROAD, MONTGOMERY, NY 12549

deponent served the within SUMMONS, RULE 7.1 STATEMENT, CIVIL COVER SHEET, PRACTICES OF JUDGE BRIEANT AND JUDGE
FOX, GUIDELINES FOR ELECTRONIC CASE FILING & COMPLAINT

on ULTIMATE LAND DEVELOPERS OF THE HUDSON VALLEY, INC.

therein named

CORPORATION ☒ By delivering to and leaving with JAMIE WOLF
so served to be the GENERAL AGENTand that he knew the person
of the corporation, and authorized to accept service.☐ AND AT THE SAME TIME PAYING IN ADVANCE

THE AUTHORIZED FEE

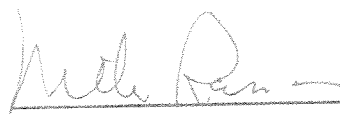

DESCRIPTION

Deponent describes the individual served as follows:

FEMALE WHITE SKIN BLACK HAIR 35-40 YRS. 5'4" 140 LBS.

Other identifying features:

Sworn to before me on: 3/17/08


MIKE RENNAJOHN GOULD
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ORANGE COUNTY
COMMISSION EXPIRES JULY 15, 20__
01G05013764
JOANN JOHNSON
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ORANGE COUNTY
COMMISSION EXPIRES AUGUST 15, 2010
01J05031856KATHLEEN GOULD
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ORANGE COUNTY
COMMISSION EXPIRES NOVEMBER 30, 20__
4632958

RR

EXHIBIT B

Case 7:08-cv-01704-CLB Document 4 Filed 03/28/2008
US DISTRICT COURT OF THE SOUTHERN DISTRICT OF NEW YORKPage 1 of 1
AFFIDAVIT OF SERVICE

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